

**BUSINESS REPORT**

**MONTANA SENATE  
61st LEGISLATURE - REGULAR SESSION**

**SENATE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE**

**Date:** Tuesday, February 10, 2009  
**Place:** Capitol

**Time:** 3:00 pm  
**Room:** 303

**BILLS and RESOLUTIONS HEARD:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 232, SB 343

\_\_\_\_\_  
\_\_\_\_\_

**EXECUTIVE ACTION TAKEN:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

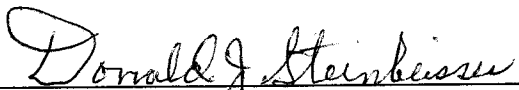
SB 217 - TABLED \_\_\_\_\_

SB 343 - DO PASS AS AMENDED \_\_\_\_\_

SB 167 - DO PASS AS AMENDED \_\_\_\_\_

\_\_\_\_\_

**COMMENTS:**

  
SEN. Donald J. Steinbeisser, Chairman

**MONTANA SENATE**  
**Roll Call**  
**AGRICULTURE, LIVESTOCK, AND IRRIGATION**

DATE: 2-10-2009


<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SEN. DONALD STEINBEISSER, CHAIR	✓	
SEN. TERRY MURPHY, VICE CHAIR	✓	
SEN. GARY BRANAE	✓	
SEN. TAYLOR BROWN	✓	
SEN. BRADLEY MAXON HAMLETT	✓	
SEN. KEN HANSEN	✓	
SEN. VERDELL JACKSON	✓	
SEN. CLIFF LARSEN	✓	
SEN. RICK RIPLEY	✓	

## COMMITTEE FILE COPY

### TABLED BILL

The **SENATE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE** TABLED SB 217, by motion, on **Tuesday, February 10, 2009**.

\_\_\_\_\_  
(For the Committee)

  
(Secretary of the Senate)

8:25 / 2/11  
(Time) (Date)

February 11, 2009

Joan A. Linkenbach, Secretary

Phone: 444-1537

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## SENATE STANDING COMMITTEE REPORT

February 11, 2009

Page 1 of 4

Mr. President:

We, your committee on Agriculture, Livestock and Irrigation recommend that Senate Bill 343 (first reading copy -- white) do pass as amended.

Signed: *Donald J. Steinbeisser*  
Senator Donald J. Steinbeisser, Chair

And, that such amendments read:

1. Title, page 1, line 4.

Following: "MONTANA"

Insert: "AQUATIC"

2. Title, page 1, line 7.

Following: "SPREAD OF"

Insert: "AQUATIC"

3. Title, page 1, line 9.

Strike: "VEHICLES AND"

Following: "VESSELS FOR"

Insert: "AQUATIC"

4. Title, page 1, line 10.

Following: "TRANSPORT OF"

Insert: "AQUATIC"

5. Page 1, line 16 through line 17.

Strike: line 16 through line 17

6. Page 1, line 18.

Strike: "two"

Strike: "known as"

Insert: "including Eurasian watermilfoil,"

Following: "quagga mussel"

Insert: ", "

Committee Vote:

Yes 8, No 0

Fiscal Note Required ☐

SB0343001SC.sdr

*OK*

**Following:** "and"

**Insert:** "the"

**Strike:** "a"

7. Page 1, line 19.

**Strike:** "threat"

**Insert:** "threats"

8. Page 1, line 30.

**Following:** "WHEREAS,"

**Insert:** "Eurasian watermilfoil,"

**Following:** "zebra mussel"

**Insert:** ", "

**Following:** "and"

**Insert:** "the"

9. Page 2, line 2.

**Following:** "WHEREAS,"

**Insert:** "Eurasian watermilfoil is already present in Montana and"

10. Page 2, line 4.

**Following:** "with an"

**Insert:** "aquatic"

11. Page 2, line 9.

**Following:** "Montana"

**Insert:** "Aquatic"

12. Page 2, line 15 through line 16.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

13. Page 2, line 17.

**Following:** "about the"

**Insert:** "further"

14. Page 2, line 17.

**Following:** "infestation of"

**Insert:** "Eurasian watermilfoil (*Myriophyllum spicatum*) and the  
introduction, importation, and infestation of"

15. Page 2, line 28.

**Following:** "exterior of"

**Strike:** "vehicles and"

16. Page 3, line 13.

**Following:** "agriculture"

**Strike:** ", "

**Insert:** "and"

17. Page 3, line 13 through line 14.

**Following:** "parks" on line 13

**Strike:** ", and" on line 13 through "livestock" on line 14

18. Page 3, line 16.

**Strike:** "and the" through "livestock"

**Following:** "livestock,"

**Strike:** "a"

**Insert:** "an aquatic"

19. Page 3, line 24.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsections

20. Page 5, line 9.

**Strike:** "vehicles and"

21. Page 5, line 10.

**Strike:** "vehicles and"

22. Page 5, line 11.

**Strike:** "vehicles and"

23. Page 5, line 26.

**Strike:** "vehicles and"

24. Page 5, line 28.

**Strike:** "vehicles and"

25. Page 5, line 30.

**Insert:** "vehicles and"

26. Page 6, line 1.

**Strike:** "vehicles and"

27. Page 6, line 16.

**Strike:** "aquatic"

28. Page 6, line 20.

**Strike:** "vehicle or"

29. Page 7, line 3.

**Strike:** "vehicles and"

30. Page 7, line 6 through line 7.

**Strike:** "vehicle" on line 6 through the first "or" on line 7

31. Page 7, line 10 through line 11.

**Strike:** ":" on line 10 through "(i)" on line 11

32. Page 7, line 11.

**Strike:** "; and"

**Insert:** "."

33. Page 7, line 12.

**Strike:** subsection (ii) in its entirety

34. Page 7, line 13.

**Strike:** "vehicle or"

35. Page 7, line 14.

**Following:** "exterior of the"

**Strike:** "vehicle or"

**Following:** "that"

**Strike:** "vehicle or"

36. Page 7, line 26.

**Strike:** "vehicle,"

**Following:** "vessel"

**Strike:** ", "

- END -



## SENATE STANDING COMMITTEE REPORT

February 11, 2009

Page 1 of 3

Mr. President:

We, your committee on Agriculture, Livestock and Irrigation recommend that Senate Bill 167 (first reading copy -- white) do pass as amended.

Signed: *Donald J. Steinbeisser*  
Senator Donald J. Steinbeisser, Chair

**And, that such amendments read:**

1. Title, page 1, lines 4 and 5.

**Strike:** "CREATING" through "STARVATION;" on line 5

2. Title, page 1, line 5.

**Following:** the first "PROVIDING"

**Insert:** "INCREASED"

**Following:** "PENALTIES FOR"

**Strike:** "A CONVICTION" through "OF"

3. Title, page 1, line 6.

**Following:** "ABANDONMENT"

**Strike:** "OR" through "OFFENSE"

**Strike:** "81-4-502,"

**Insert:** "45-8-211,"

4. Page 1, line 9.

**Strike:** everything after the enacting clause

**Insert:** "Section 1. Section 45-8-211, MCA, is amended to read:

"45-8-211. Cruelty to animals -- exceptions. (1) A person commits the offense of cruelty to animals if, without justification, the person knowingly or negligently subjects an animal to mistreatment or neglect by:

(a) overworking, beating, tormenting, torturing, injuring, or killing the animal;

(b) carrying or confining the animal in a cruel manner;

(c) failing to provide an animal in the person's custody

**Committee Vote:**

Yes 6, No 3

Fiscal Note Required \_\_\_\_

SB0167001SC.sdr

*DL*



with:

(i) food and water of sufficient quantity and quality to sustain the animal's normal health;

(ii) minimum protection for the animal from adverse weather conditions, with consideration given to the species;

(iii) in cases of immediate, obvious, serious illness or injury, licensed veterinary or other appropriate medical care;

(d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or

(e) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except a sanctioned endurance race.

(2) (a) A Except as provided in subsection (2)(d), a person convicted of the offense of cruelty to animals shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of a second or subsequent offense of cruelty to animals or of a first or subsequent offense of aggravated animal cruelty shall be fined an amount not to exceed \$2,500 or be sentenced to the department of corrections for a term not to exceed 2 years, or both.

(b) If the convicted person is the owner, the person may be required to forfeit any animal affected to the county in which the person is convicted. This provision does not affect the interest of any secured party or other person who has not participated in the offense.

(c) For the purposes of this subsection (2), when more than one animal is subject to cruelty to animals, each act may comprise a separate offense.

(d) If the offense involves the abandonment of a horse on public or private lands, the court may assess additional fines and penalties of up to \$1,000 and 6 months in jail.

(3) In addition to the sentence provided in subsection (2), the court:

(a) shall require the defendant to pay all reasonable costs incurred in providing necessary veterinary attention and treatment for any animal affected, including reasonable costs of care incurred by a public or private animal control agency or humane animal treatment shelter;

(b) may require the defendant to pay all reasonable costs of necessary care of the affected animal that are incurred by a public or private animal control agency or humane animal treatment shelter; and

(c) shall prohibit or limit the defendant's ownership, possession, or custody of animals, as the court believes appropriate during the term of the sentence; and

(d) for the willful act of equine abandonment, may order full restitution for all public and private costs incurred.

(4) This section does not prohibit:

(a) a person humanely destroying an animal for just cause;

(b) the use of commonly accepted agricultural and livestock

practices on livestock;

(c) rodeo activities that meet humane standards of the professional rodeo cowboys association;

(d) lawful fishing, hunting, and trapping activities;

(e) lawful wildlife management practices;

(f) lawful scientific or agricultural research or teaching that involves the use of animals;

(g) services performed by a licensed veterinarian;

(h) lawful control of rodents and predators and other lawful animal damage control activities; or

(i) accepted training and discipline methods.""

- END -

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE**

DATE 2-10-09 BILL NO 56217 MOTION NO. \_\_\_\_\_

MOTION: Do Pass As Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SEN. GARY BRANAE		✓	
SEN. TAYLOR BROWN	✓		
SEN. BRADLEY MAXON HAMLETT		✓	
SEN. KEN HANSEN		✓	
SEN. VERDELL JACKSON		✓	
SEN. CLIFF LARSEN		✓	
SEN. RICK RIPLEY	✓		
SEN. TERRY MURPHY, VICE CHAIR		✓	
SEN. DONALD STEINBEISSER, CHAIR	✓		

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE**

DATE 2-10-2009 BILL NO SB167 MOTION NO. \_\_\_\_\_

MOTION: Do Pass As Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SEN. GARY BRANAE		✓	
SEN. TAYLOR BROWN	✓		
SEN. BRADLEY MAXON HAMLETT	✓		
SEN. KEN HANSEN		✓	
SEN. VERDELL JACKSON		✓	
SEN. CLIFF LARSEN	✓		
SEN. RICK RIPLEY	✓		
SEN. TERRY MURPHY, VICE CHAIR	✓		
SEN. DONALD STEINBEISSER, CHAIR	✓		

# AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Senate Ag Committee  
because of other commitments. I desire to leave my proxy vote with:

Senator Murphy

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

217	X	

BILL/AMENDMENT

AYE NO


Sen. [Signature]  
(Signature)

Date 2-10-09

**MONTANA STATE SENATE**  
**Visitors Register**

Agriculture, Livestock, and Irrigation Committee

Date 2-10-2009

Bill No. SB 232 Sponsor(s) Senator Squires

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PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Angie Polin - Missoula	SB 232	✓		
John Nelson - Missoula		✓		
Kate Bradford	MT Food Bank Network	✓		
MINKIE MEDORA	MFBN	✓		
Jan Armstrong	MT Food Bank Network	✓		
Bernadette Gunn	MT Food Bank Netw.	✓		
Diane Myers	General Mills	✓		
Eli Ticknor	Self		✓	
Jacob Ticknor	Self		✓	
Bethany Ticknor	Self		✓	
Hannah Ticknor	Self		✓	
Thomas Ticknor	Self		✓	
Dana Ticknor <sup>4410 Silver Creek</sup> <del>Helena, MT 59602</del>	Self		✓	
<del>Brian</del>				
Chris Christensen	SMFU	✓		
Pat Keim	Self	x		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

# MONTANA STATE SENATE

## Visitors Register

Agriculture, Livestock, and Irrigation Committee

Date 2-10-2009Bill No. SB 343 Sponsor(s) Senator Jackson

PLEASE PRINT

PLEASE PRINT

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Name and Address	Representing	Support	Oppose	Inf.
TED WILLIAMS	FATHERD LAKERS OLG.	✓		
MARK Reller	Bonnieville Power			✓
ROBIN CUNNINGHAM	FISHING OUTITTERS ASS'N OF MT.	✓		
ROGER HAGAN	ALT TRAIL VEHICLE RIDER'S ASSOC.		✓ unless Amended	
JAN ARMSTRONG	MFBN	✓		
Bernadette Gunn	MFBN	✓		
John Youngberg	MFBF	✓ unless Amended		
JEFF TIBBELL	MACD	✓ w/a		
MINKIE MEDORA	MFBN	✓		
Kate Bradford	MFBN	✓		
Bob Gilbert	Walleyes Unlimited	✓ unless Amended		
Mike Murphy	MWRA	X		
DAVID HOFFMAN	PPL MT	X		
Brianna Randall	Clark Fork Coalition	X		
Caryn Miske	FBC	X		X
Ronda Wiggers	MT Snowmobile Assoc		✓ unless Amended	
Krista Evans	Gr. W. Coal / AGAI	X w/ Amended		
Ariel Overstreet	MT Stockpiles	✓		
Cassey Perkins	MT Audubon	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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